

Public Records Committee Meeting Minutes
June 5, 2018 – 12:00 Noon

The meeting was called to order at 12:04 p.m. by County Board Chair, Russell Kottke in Room 1A – First Floor of the Administration Building.

Members present: County Board Chair Russell Kottke; County Administrator Jim Mielke; Health and Humans Services Director Becky Bell; Sheriff Dale Schmidt; Corporation Counsel Kim Nass; and County Clerk Karen Gibson.

Also present were: Information Technology Staff Members Shane Van Loenen and Josh Kohlhoff, and Enterprise Resource Planning (ERP) Project Director Ross Winklbauer.

Nass made a motion to elect Kottke Committee Chair. The motion was seconded by Schmidt. No further nominations were received, nominations were closed and a unanimous ballot was cast electing Kottke Chair of the Public Records Committee.

Nass made a motion to elect Mielke Committee Vice-Chair. No further nominations were received, nominations were closed and a unanimous ballot was cast electing Mielke Vice-Chair of the Public Records Committee.

Schmidt made a motion to elect Gibson Committee Secretary. The motion was seconded by Nass. No further nominations were received, nominations were closed and a unanimous ballot was cast electing Gibson Secretary of the Public Records Committee.

At this time, the committee reviewed Ordinance 940, an Ordinance Creating the Public Records Committee. The duties of the committee were discussed. Nass discussed the State Public Records Board and how changes to the record retention policy and model occur. Ms. Nass informed the committee that the current records retention policy is valid for ten years from the date of adoption, which was 2015.

Winklbauer informed the committee that the ERP leads had questions regarding storing data and keeping paper copies and whether or not the County had policies regarding this subject.

Discussion by all present regarding storing records and whether or not paper and electronic records need to be kept and whether or not paper records could be converted to electronic records.

Ms. Nass recommends:

1. Amend the ordinance to allow for the conversion of paper documents to electronic documents and dispose of the paper document.
2. Identify documents that should be retained as hard paper copy documents.

It was the consensus of the committee that if a document is received electronically, it does not need to be printed in a paper format. The committee also agreed with the recommendations made by Ms. Nass and Chairman Kottke directed her to prepare documents for the August 21, 2018 County Board meeting.

Committee members were asked to review the Records Retention Policy and bring any suggestions for changes or additions to the next meeting.

The next Public Records Committee meeting will be held on Monday, July 23, 2018 at 8:30 a.m. in meeting room 1A, first floor of the Dodge County Administration Building. The committee will review documents and forward them to the Executive Committee for their action.

With no further business on the agenda, Chair Kottke declared the meeting adjourned at 12:40 p.m.

Karen J. Gibson, Secretary

The people of the County of Dodge, represented by the Dodge County Board of Supervisors, do hereby ordain as follows:

Section 2. 1.30 – PURPOSE.

Section 3. 1.36 – MICROFILMING OR OPTICAL DISK STORAGE OR DEPARTMENT RECORDS.

(2) Pursuant to § 137.20, Wis. Stats., records created in electronic/digital format may be maintained in electronic/digital format unless converted to another format per § 16.61(7).

Additions are indicated in **Bold Underline**, deletions are indicated by ~~Single Strikethrough~~

- 1 **Section 5. Summary.** An Ordinance amending Section 1.30 and Section 1.36 of the Dodge
2 County Code of Ordinances pertaining to records retention.
3
4 **Section 6. Vote Required.** Majority of members present.

Respectfully submitted this 14th day of August, 2018.

Dodge County Public Records Committee:

Russell Kottke

Kimberly Nass

Jim Mielke

Dale Schmidt

Karen Gibson

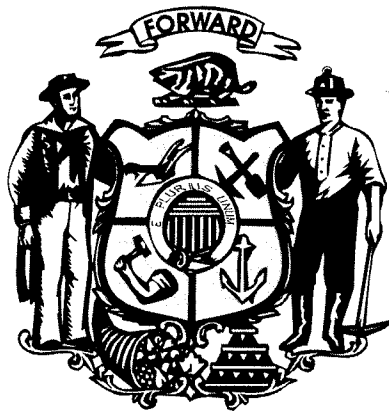
Rebecca Bell

Enacted and approved this _____ day of _____, 2018.

Russell Kottke, Chairman
Dodge County Board of Supervisors

Karen J. Gibson, County Clerk

Introduction to General Records Schedules



Revised 11/2017

For use by

All units of Wisconsin Government at the State, County, and Municipal level

INTRODUCTION

Records are a basic tool of transacting business on behalf of all units of Wisconsin Government at the State, County, and Municipal level. They are also the foundation for government accountability.

Records management is regulated by Wisconsin state law, and accordingly, General Records Schedules (GRSs) provide legal authorization to dispose of records common to a business function on a regularly scheduled basis. General Records Schedules are a mechanism for consistent retention and disposition of similar types of records across all government units and provide assurance of accountability to the public. GRSs also contain guidelines for complying with legal, fiscal, and archival requirements for records retention and facilitate cost-effective management of records commonly found in all government units.

The records retention obligations of state agencies are governed by Wis. Stat. § 16.61 and apply to “public records” as defined in Wis. Stat. § 16.61(2)(b). These materials are referred to as “records” in this document for ease of reference. Records that are unique to a specific government unit require the creation of a separate Records Disposition Authorization (RDA) that must be submitted by the entity, and approved by, the Public Records Board (PRB).

I. PURPOSE

The purpose of a General Record Schedule is to:

- Provide agencies with uniform guidelines for the retention and disposition of records common to a business function;
- Ensure that agencies retain records as long as needed in order to complete the transaction of business on behalf of the State of Wisconsin, and to meet legal, audit, archival, and other State of Wisconsin and federal requirements;
- Provide agencies with legal authorization to dispose of records eligible for disposition on a regularly scheduled basis after the minimum retention periods are met. Records may not be disposed of in a shorter period of time; and
- Promote the cost-effective management of records.

II. WHO MAY USE GENERAL RECORDS SCHEDULES

When the PRB approves a General Records Schedule, its use is **mandatory** for all state agencies except the UW System Administration (UWSA) and its institutions. State agencies may request, and gain approval from, the PRB to either: adopt some, but not all, of the schedules contained within the document, or adopt an independent set of records schedules. Wisconsin counties, municipalities, other local units of government and the UWSA are encouraged to use the applicable GRS. To do so, each entity must take affirmative action to adopt a GRS by completing the Notification of General Schedules Adoption (PRB-002) form. Units of Wisconsin Government are then expected to supersede previously approved, unique, RDAs now covered by an approved GRS. For additional information on opting in to and out of a GRS see the General Records Schedule Policy.

III. RECORDS RESPONSIBILITIES

Most agencies do not create or receive all of the records listed within a General Records Schedule. Thus it is important to note that GRSs **do not** require records to be created by agencies. Rather, an approved GRS provides guidance for records that are actually created or received by government agencies in their course of work.

Under Wisconsin law, each government unit is responsible for properly managing its records with approval from the Public Records Board. Proper records management can become complex, especially

when: the same records are held by more than one department within a government unit, or multiple units possess the same records. Accordingly, GRSs provide guidance for:

- a) Records management among the departments of a single government unit, all of which have custody of the same or similar records; and
- b) Records management among different government units, all of which have custody of the same or similar records. This primarily occurs between an operating state agency and agencies with statewide oversight such as the Department of Administration (DOA). An example would be the agency biennial budget request submittal to the State Budget Office in DOA. This is a record for both the state agency that develops and submits the biennial budget request as well as the State Budget Office in DOA which receives the agency biennial budget request as a starting point in developing the Governor's Biennial Budget. Both DOA and the state agency have official public records in this example.

IV. RECORD SERIES TITLES AND CATEGORIES

Each GRS contains a table listing the series title and categories for that particular record series. Below is an example of the format used in GRSs and an explanation of each column.

RDA Number	Record Series Title	Series Description	PII	Confidential	Minimum Retention and Disposition	Event Description	Examples/ Notes	Previous RDA Number (if applicable)
[Functional Area]								

RDA Number: A unique identifying number for each record series.

Record Series Title: A descriptive title that defines the record series.

Series Description: A brief description of the record series.

PII: Indicates whether or not records in the record series may contain personally identifiable information as defined in Wis. Stat. § 19.62(5). See section V. a) of this document for more information.

Confidential: Indicates whether or not records in the record series may contain confidential information. If yes, the GRS requires a rationale for the confidential designation such as a statute, administrative rule, or other legal authority. See section V. b) of this document for more information.

Minimum Retention and Disposition: Indicates the minimum time period a record series must be maintained expressed in years, months or days and the designation of whether or not the record series has been identified as having historical value warranting preservation at the State Archives or University of Wisconsin Archives. This section also notes if a record is to be destroyed confidentially. Records must be retained for the minimum retention time approved in the GRS and cannot be disposed of in a shorter amount of time.

Event Description: The description of what initiates the start of the retention clock. For example, the retention of some record series may be the close of the state fiscal year (June 30, xxxx) and for others the close of the calendar year (December 31, xxxx). Other record series have events based upon something occurring, such as the date a person leaves state employment or the date a loan is repaid.

Example/Notes: Provides additional guidance and/or provides applicable examples to assist in interpreting the relevancy of the record series.

Previous RDA Number (if applicable): Identifies prior RDA numbers for record series that have been superseded or closed by the current GRS.

V. CONFIDENTIALITY AND PERSONALLY IDENTIFIABLE INFORMATION (PII) OF RECORD SERIES CONTAINED WITHIN GENERAL RECORDS SCHEDULES

a) Personally Identifiable Information (PII)

Wisconsin law defines Personally Identifiable Information (PII) as information that can be associated with a particular individual through one or more identifiers or other information or circumstances (Wis. Stat. § 19.62(5)), and requires authorities to identify certain record series within a GRS that contain PII.

Despite the broad definition, Wis. Stat. § 16.61(3)(u) requires that record series within a schedule containing the following types of PII need not be identified as such: a) mailing lists; b) the results of certain computer matching programs; c) telephone or e-mail directories; d) record series pertaining exclusively to agency employees; and e) those relating to state agency procurement or budgeting.

Some, but not all, records in a record series may contain PII. The PII column should be marked “yes” if some records in the series may contain PII. As to those record series identified as containing PII, the schedule further indicates whether the PII is incidental to the primary purpose for which the record series is created. If in doubt as to whether a specific record series contains PII, check first with your designated records officer. If necessary check with legal counsel.

Some PII, but not all, is confidential. In addition, some records in a series, but not all records in the same series, might contain confidential information. Finally, records not containing PII may be required by law to be kept confidential. The designation of a particular record series as “confidential” relates primarily to the schedule’s function in regulating the retention and disposition, including destruction, of the record series. See the next section for more information. In contrast, public access to records is determined by the Public Records Law and not simply by the designation of confidentiality in a record schedule.

b) Confidentiality of Records

Some records series may contain confidential or restricted access records. The GRS will identify any record series containing information required by law to be kept confidential or specifically required to be protected from public access, identifying the state or federal statute, administrative rule, or other legal authority that so requires. Some, but not all, records in a records series may contain confidential information. The confidential column should be marked “yes” if some records in the series may contain confidential information. Even when specific confidentiality statutes do not apply, application of substantive common law principles through the balancing test considerations under Wis. Stat. § 19.35(1)(a) may affect disclosure of the record under the public records law. For example, some of those considerations include information relating to mental and physical health, victim information, privacy, and records protected by attorney client privilege or attorney work product. In addition, when an individual or an individual’s representative makes an open records request for records containing personally identifiable information about that individual, there is no balancing test but the disclosure exceptions under Wis. Stat. § 19.35(1)(am) must be considered. The Wis. Stat. § 19.35(1)(am) exceptions include endangering an individual’s life or safety; endangering the security of a prison, including the security of the population or staff; identifying a confidential informant; and records collected or maintained in

connection with complaints, investigations, or other circumstances that may lead to various administrative or court proceedings. Consultation with agency legal counsel is recommended when responding to an open records request.

VI. RECORDS FORMAT

Records retention guidelines apply regardless of record format. Records covered by any GRS may be retained in electronic, paper, or other formats. The schedule applies to all records born digital (including those created or transmitted via e-mail), data contained in database systems, tapes/cartridges and other types of electronic records and information systems maintained by agencies. To safeguard the information contained in records maintained *exclusively* in electronic format, agencies must meet the standards and requirements for the management of electronic records outlined in Wis. Admin. Code ch. Admin 12.

VII. RETAINING RECORDS

General Record Schedules provide the minimum retention time a government unit must retain records. Records may not be destroyed earlier under any circumstances. Also, if a record series is identified as having historical value, those records must be transferred to the appropriate designated archival repository for preservation instead of being destroyed by the government unit.

After the required minimum retention time period has been met, records should be destroyed or transferred unless any of the following conditions apply:

- a) Records are required for financial or performance audits either currently underway or known to be planned.
- b) Records are subject to a "legal hold" because they may be relevant to an existing, pending, or anticipated legal proceeding.
- c) A related open records request has been received and not completed, or statutorily required time periods have expired.

VIII. REPOSITORIES

a) Archival

For records series that have been appraised as having long-term value, the disposition will indicate "transfer to an archival repository." An archival repository is responsible for processing the records, making them available to researchers, and providing for their safe-keeping and preservation. An official archival repository is one that has been reviewed and designated as such by the Wisconsin Public Records Board according to Wis. Stat. § 16.61(13)(b). In general, transferring to an archival repository means transferring records to either the State Archives in the Wisconsin Historical Society (for state agencies and local units of government) or the applicable University of Wisconsin Archives (for University of Wisconsin records). The State Archives captures the public-facing web content of government units on a regular basis. Preserved websites are available through the Internet Archive.

b) Wisconsin Document Depository Program

Under Wis. Stat. §§ 35.81-35.84 state agencies are required to participate in the Wisconsin Document Depository Program. The Wisconsin Document Depository Program collects and distributes state documents in print and electronic formats to Wisconsin libraries; preserves and makes available a record of major state government programs; and assures the availability of state documents for use by the public throughout Wisconsin now and in the future. Print documents are distributed to designated depository libraries throughout the state. Electronic documents are digitally archived and made accessible through the Wisconsin Digital Archives. For more information about the program visit the website or email statedocuments@dpi.wi.gov.

Many state publications are now born-digital, which is, published only on the Web or only maintained in an electronic format. Electronic publications are collected and preserved as part of the Wisconsin Document Depository Program; URLs to state publications published electronically on Wisconsin State Agency websites should be emailed directly to statedocuments@dpi.wi.gov as a way for state agencies to fulfill the statutory obligation to participate in the Wisconsin Document Depository Program.

IX. FOR ADDITIONAL INFORMATION AND ASSISTANCE

For help interpreting or applying this schedule to your records, or help organizing your records, contact your organization's designated records officer.

Agency Counsel: Agency counsel can assist with legal issues related to records retention, such as identification of confidentiality requirements.

Records Officer: Each state agency has a designated records officer who serves as liaison to the Public Records Board. The records officer is responsible for agency-wide records management planning, program development, and assistance.

Additional information and assistance with records management concerns is also available from the following sources:

DOA Records Management Section:

The DOA Records Management Section, via the State Records Center, provides additional information on records management.

Public Records Board:

The Board's Executive Secretary can offer technical assistance and training to assist agencies with records management, including records scheduling and interpretation of schedules.

Wisconsin Historical Society:

The Wisconsin Historical Society (WHS) assists agencies with records management, particularly in identifying the small percentage of records that have historical value.

University of Wisconsin Institution Archives:

University of Wisconsin Institutions has delegated authority to operate archives for historical institutional records. Often, the University of Wisconsin archives also function as the focus for records management related activities on the campus.

Public Records Board Policy – Electronic Records and Wis. Stat. §§ 16.61(7) and 137.20

It is not uncommon for records to transition from one format to another (for example, paper records which are scanned or otherwise entered in to an electronic system). When this transition occurs the conditions under Wis. Stat. §§ 16.61(7) and 137.20 must be followed. By statute the Public Records Board (Board) should be notified before the transition occurs. The following policy provides two options for Wisconsin Government units to notify the Board. This policy applies to all Wisconsin Government units at the State, County, and Municipal levels.

Option A – New, Amended, and Renewal RDAs

Transition language will be added to the description of each Records Disposition Authorization (RDA) where it is appropriate to the records described. The language should be presented to the Board on either the PRB-001 or PRB-003 forms for their approval. Original input documents cannot be disposed of until the RDA has been approved by the Board. An example of appropriate language and content is:

The official record will be maintained electronically for the full retention period. To comply with Wis. Stat. §§ 16.61(7) and 137.20 for authenticity, accuracy, and accessibility the original input documents will be imaged or reformatted and subject to review, to ensure the images of these applications are electronically stored and the quality of these images is acceptable. Upon verification of the quality and retention of the electronic images, the input record will be destroyed [confidentially].

Option B – Existing RDAs and General Records Schedule Records without existing transition language.

Complete the PRB-004, Electronic Records Statement of Intent, form and submit it to the Executive Secretary of the Public Records Board. The requestor will need to provide the required information for each record series where the official record falls under the conditions listed under Wis. Stat. §§ 16.61(7) or 137.20, including records governed by a General Records Schedule. Original input documents cannot be disposed of without authorization from the Executive Secretary of the Board and, if applicable, the State Archivist when records with a disposition of “Transfer to State Archives” are included.

Records Retention / Disposition Authorization

<ul style="list-style-type: none">Read instructions provided on pages 2-3 before completing.In accordance with Wis. Stat. § 16.61, this form must be completed and approved by the Agency and the Public Records Board (PRB) within one year of creation of the records series and prior to disposition of any public record.Agency Records Officer: Forward original to the PRB. Maintain an agency copy during the PRB review process.	1. RDA #	2. Record Series Title
	3. RDA Status (Check One): <input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Renewal	
	4. Agency #:	5. Unit #:
	6. Agency Name	
Division Name	Subdivision Name	

7. Record Series Year of Creation	8. Medium for Records Storage (Check all appropriate) <input type="checkbox"/> Electronic/Digital <input type="checkbox"/> Microform <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify)
9. Retention Time Period - Specify Actual Period Yrs Mo Wks Days Permanent* <div style="text-align: center;"><input type="checkbox"/></div>	10. Event that Initiates the Start of the Retention Time Period (Check One) Creation Fiscal Other (Specify) <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> (CR)</div><div><input type="checkbox"/> (FIS)</div><div><input type="checkbox"/></div></div>

***If selecting Permanent, cite supporting statute, code, other legal authority, or sufficient justification in Box 12, Record Series Description.**

11. Disposition (Check One): <input type="checkbox"/> Destroy <input type="checkbox"/> Destroy Confidential <input type="checkbox"/> Transfer - State Archives (WHS) <input type="checkbox"/> Transfer - UW Archives <input type="checkbox"/> Transfer - Other Location (Specify):	
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12. Records Series Description

Format this entry as needed to fit the space. Replace this information with your description. Refer to the instructions on page 3 for specific guidance on the Record Series Description.

13. Records Contain Personally Identifiable Information (PII): <input type="checkbox"/> Yes <input type="checkbox"/> No	14. PII Registry Exemptions (Check YES if PII is exempted): <input type="checkbox"/> Yes <input type="checkbox"/> No
15. Name of Agency <input type="checkbox"/> Program Contact or <input type="checkbox"/> Records Officer: Telephone: _____ Email: _____	
16. Records Series Contains Content that is Confidential or Access is Protected: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, enter Statute/Code/ or explain other Legal Authority in Box 12, Record Series Description.	

17. APPROVAL SIGNATURES

Agency Official	Date (mm/dd/ccyy)	Agency Records Officer	Date (mm/dd/ccyy)
PUBLIC RECORDS BOARD APPROVAL – Authorization is contingent on restrictions to record destruction contained in Wis. Stat. § 19.35(5), (Open Records Law), and that no records are destroyed if litigation or audit involving these records has commenced or is anticipated.			
State Archivist	Date (mm/dd/ccyy)	Executive Secretary – PRB	Date (mm/dd/ccyy)

Approval subject to 10-year sunset per Wis. Stat. § 16.61(4)(c). Action required before: _____

INSTRUCTIONS: Records Retention/Disposition Authorization

- 1. Retention/Disposition Authorization (RDA) #:**

Prior to submission to the Public Records Board (PRB) for approval, every RDA must have a unique, sequential number. Agency Records Officers assign this number which is subject to PRB approval.

 - The Records Officer must review past RDAs and then assign a number to new RDAs which has never been used.
 - A suffix is not used for most records series. It is an optional alphabetical character that may be added to the end of the RDA number when used to indicate different retention periods, media, or dispositions for all or portions of the same records series.
- 2. Records Series Title:** Assign a descriptive title to the records series. Be certain that agency employees will be able to accurately identify the records series from its title. Do not use abbreviations or acronyms.
- 3. RDA Status:** Check only one box:
 - **NEW:** Request for approval of an RDA with a number that has never been submitted to the PRB. In # 12, provide the reason for the creation of the RDA, for example: program re-organization, records identified during agency review, or brand new records being created.
 - **AMENDED:** Request for approval of a change to an RDA that previously was approved by the PRB. Any revision to an RDA triggers amended status. Use existing RDA number.
 - **RENEWAL:** The RDA has sunset and is being renewed without amendments. RDA's automatically sunset every 10 years, per Wis. Stat. § 16.61(4)(c). Use existing RDA number.
- 4. Agency #:** Use the following:
 - **State Agency:** Use the three-digit agency appropriation code assigned by Wis. Stat. § 20.005.
 - **University of Wisconsin:** Use the three-digit statutory code (285) together with the alphabetical code assigned to the institution.
 - **Local Units of Government, Other Entities:** Please contact PRB Staff.
 - **Board/Commission:** The Records Officer may assign an additional alphabetical character to autonomous entities that are attached to an agency.
- 5. Unit #:** Use the following:
 - Indicate the business unit # which has ownership and financial responsibility for records in this series if applicable.
 - **University of Wisconsin:** Use the 6-digit UDDS # that the UW uses for accounting and budgetary purposes.
- 6. Agency Name:**
 - Identify the entity that has legal custody of the records, using correct names. Do not use acronyms or abbreviations.
 - Identify the division and/or subdivision that creates and receives the records. Do not use acronyms or abbreviations.
- 7. Records Series Year of Creation:** This is the year the agency first began creating or receiving records in this series. If the precise year is unknown, then provide an estimate.
- 8. Medium for Records Storage:** Indicate all the media on which the records are stored such as paper, electronic/digital, microform, or other, e.g., audio, film, or video.
- 9. Retention Time Period:** SPECIFY AN ACTUAL TIME PERIOD. Enter the number of years, months, weeks, or check "Permanent" to indicate period of time for retaining the records. "Permanent" means that the records need to be maintained permanently by the creating agency. See the Guidelines for the Permanent Retention of Records.
 - In # 12, provide specific justification to the PRB for the proposed retention time period. Examples of appropriate justification include, but are not limited to: citation of controlling statutes or administrative rules, consistency with related retention schedules, audit or fiscal requirements, or end of business need.
 - If a retention time period is required by law, cite the relevant statute, administrative rule, or other legal authority in #12.
- 10. Event:** Use this field to indicate the specific event that must occur in order to initiate the retention time period. Identify this event by checking one of the boxes listed:
 - **CR:** If creation of the record initiates the retention time period, mark the checkbox "CR."
 - **FIS:** If the retention time period is initiated by the end of a fiscal year, mark the checkbox "FIS." These records must be kept through the end of the Fiscal Year.
 - **Other (Specify):** If a specific event other than "CR" or "FIS" initiates the retention time period, mark the checkbox "Other (Specify)". You must also state the event. You may provide a detailed description of the event within the Records Series Description in #10 if more space is needed.
- 11. Disposition:** Check the appropriate box to indicate disposition of the records after the retention time period has expired. Only one disposition may be checked. Mark as "Destroy Confidential" if the record series contains personally identifiable information (PII, see # 13, below), or the record's access is restricted by law (see # 16, below). If a record series is marked as "Destroy Confidential," then the record destruction shall comply with all relevant legal requirements.
- 12. Records Series Description:**
 - The description is the most important section of the RDA. It informs the PRB, and others who are unfamiliar with the records series, what information is contained in the series, the business purpose for the information, and the reasons why the series was created and/or received by the agency.
 - May include relevant statutory, rule citations, or other legal authority in order to clarify the content of the records and the authorization to create them. Additional information may be included as needed for employees to manage the records, such as providing guidance regarding who is custodian of the records within the series or conditions that must be met prior to disposition, as well as the relationship to any other record series.
 - If requesting approval of a **NEW** RDA, provide the reason for the creation of the RDA, for example: program re-organization, records identified during agency review, or brand new records being created.
 - "Record series" is defined by Wis. Stat. § 16.61(2)(c).
- 13. Records Contain Personally Identifiable Information:** Wisconsin law requires authorities to specifically identify records series that contain personally identifiable information (PII). PII is defined in Wis. Stat. §19.62(5) as information that can be associated with a particular individual through one or more identifiers or other information or circumstances. Examples of PII include, but are not limited to, a person's name plus social security number or driver's license number. If the records associated with this RDA must be destroyed confidentially due to PII content, check yes. Check yes even if some, but not all, of the records included in the RDA contain PII. If YES, complete #12. If NO, do not complete #14.

14. Personally Identifiable Registry:

Pursuant to Wis. Stat. § 16.61(3)(u), the Public Records Board shall create a registry describing records that contain PII. The law specifies that records containing the following information shall not be included in the Registry:

- a. Any records series that contains the results of a matching program, as defined in Wis. Stat. § 19.62(3), if the state agency using the records series destroys the records series within one year after the records series was created;
- b. Mailing lists;
- c. Telephone directories;
- d. Records series pertaining exclusively to employees of a state agency;
- e. Records series specified by the board that contain personally identifiable information incidental to the primary purpose for which the records series was created, such as the name of a salesperson or a vendor in a records series of purchase orders; and,
- f. Records series relating to procurement or budgeting by a state agency.

If the records associated with this RDA are derived from any of the information stated immediately above in a. through f., check YES in #14.

Note: When # 14 is checked YES, the information in this RDA will be excluded from the PII Registry. When checked NO, the information in this RDA will be included in the PII Registry.

- 15. Agency Program Contact or Records Officer:** Provide the name, telephone number and email address for the agency's statutorily-designated Records Officer or other program contact, who may be contacted for further information regarding the record series.

16. Records Series is Confidential or Access is Limited:

- Check "yes" only if a specific statute, administrative rule, or other legal authority requires that all, or some, information in the record series be kept confidential or protected from public access. If "yes" is checked, identify the relevant statute, code, or other legal authority in #12.
- Some, but not all, personally identifiable information (PII) is confidential. At the same time, records that do not contain PII may be required by law to be kept confidential or have limited access.
- For purposes of record retention and destruction, Wisconsin's Public Records Law and related statutes govern public access to records including certain confidentiality provisions.

- 17. Approval Signatures:** The Agency Records Officer, and at least one other agency official, such as the Agency Program Manager, Risk Manager, Legal Counsel, and/or the Legal Custodian of Records, must review, approve, and sign the RDA before submitting it to the PRB for approval. Prior to implementation, PRB approval and signature by the State Archivist are both required.

Contact information: for records management training and assistance, please contact the Wisconsin Department of Administration, Records Management Section, by telephone at: (608) 266-2995. Many records management resources are available at the Public Records Board website:
<http://publicrecordsboard.wi.gov>

Here are three helpful documents:

- a. [Statewide General Records Schedules](#)
- b. [Wis. Admin. Code ch. Admin 12](#)
- c. [Records Management Fact Sheets](#)

(Only required when records with a disposition of "Transfer to State Archives" are included.)

(2) If neither sub. (1) (a) nor (b) applies, the change or error has the effect provided by other law, including the law of mistake, and the parties' contract, if any.

(3) Subsections (1) (b) and (2) may not be varied by agreement.

History: 2003 a. 294.

137.19 Notarization and acknowledgement. If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to administer the oath or to make the notarization, acknowledgment, or verification, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

History: 2003 a. 294.

137.20 Retention of electronic records; originals.

(1) Except as provided in sub. (6), if a law requires that a record be retained, the requirement is satisfied by retaining the information set forth in the record as an electronic record which:

(a) Accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and

(b) Remains accessible for later reference.

(2) A requirement to retain a record in accordance with sub. (1) does not apply to any information the sole purpose of which is to enable the record to be sent, communicated, or received.

(3) A person may comply with sub. (1) by using the services of another person if the requirements of that subsection are satisfied.

(4) Except as provided in sub. (6), if a law requires a record to be presented or retained in its original form, or provides consequences if the record is not presented or retained in its original form, a person may comply with that law by using an electronic record that is retained in accordance with sub. (1).

(5) Except as provided in sub. (6), if a law requires retention of a check, that requirement is satisfied by retention of an electronic record containing the information on the front and back of the check in accordance with sub. (1).

(6) (a) Except as provided in sub. (6), a record retained as an electronic record in accordance with sub. (1) satisfies a law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after May 5, 2004 specifically prohibits the use of an electronic record for the specified purpose.

(b) A governmental unit that has custody of a record is also further subject to the retention requirements for public records of state agencies, and the records of the University of Wisconsin Hospitals and Clinics Authority established under ss. 16.61, and 16.611 and the retention requirements for documents of local governmental units established under s. 16.612.

(7) The public records board may promulgate rules prescribing standards consistent with this subchapter for retention of records by state agencies, the University of Wisconsin Hospitals and Clinics Authority and local governmental units.

(8) This section does not preclude a governmental unit of this state from specifying additional requirements for the retention of any record subject to the jurisdiction of that governmental unit.

History: 2003 a. 294.

137.21 Admissibility in evidence. In a proceeding, a record or signature may not be excluded as evidence solely because it is in electronic form.

History: 2003 a. 294.

137.22 Automated transactions. In an automated transaction:

(1) A contract may be formed by the interaction of electronic agents of the parties, even if no individual was aware of or

reviewed the electronic agent's actions or the resulting terms and agreements.

(2) A contract may be formed by the interaction of an electronic agent and an individual, acting on the individual's own behalf or for another person, including by an interaction in which the individual performs actions that the individual is free to refuse to perform and which the individual knows or has reason to know will cause the electronic agent to complete the transaction or performance.

(3) The terms of a contract under sub. (1) or (2) are governed by the substantive law applicable to the contract.

History: 2003 a. 294.

137.23 Time and place of sending and receipt.

(1) Unless otherwise agreed between the sender and the recipient, an electronic record is sent when it:

(a) Is addressed properly or otherwise directed properly to an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record;

(b) Is in a form capable of being processed by that system; and

(c) Enters an information processing system outside the control of the sender or of a person that sent the electronic record on behalf of the sender or enters a region of the information processing system designated or used by the recipient which is under the control of the recipient.

(2) Unless otherwise agreed between a sender and the recipient, an electronic record is received when:

(a) It enters an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record; and

(b) It is in a form capable of being processed by that system.

(3) Subsection (2) applies even if the place where the information processing system is located is different from the place where the electronic record is deemed to be received under sub. (4).

(4) Unless otherwise expressly provided in the electronic record or agreed between the sender and the recipient, an electronic record is deemed to be sent from the sender's place of business and to be received at the recipient's place of business. For purposes of this subsection:

(a) If the sender or recipient has more than one place of business, the place of business of that person is the place having the closest relationship to the underlying transaction.

(b) If the sender or the recipient does not have a place of business, the place of business is the sender's or recipient's residence, as the case may be.

(5) An electronic record is received under sub. (2) even if no individual is aware of its receipt.

(6) Receipt of an electronic acknowledgment from an information processing system described in sub. (2) establishes that a record was received but, by itself, does not establish that the content sent corresponds to the content received.

(7) If a person is aware that an electronic record purportedly sent under sub. (1), or purportedly received under sub. (2), was not actually sent or received, the legal effect of the sending or receipt is determined by other applicable law. Except to the extent permitted by the other law, the requirements of this subsection may not be varied by agreement.

History: 2003 a. 294.

137.24 Transferable records. (1) In this section, "transferable record" means an electronic record that is a note under ch. 403 or a record under ch. 407.

(1m) An electronic record qualifies as a transferable record under this section only if the issuer of the electronic record expressly has agreed that the electronic record is a transferable record.

1.36 - MICROFILMING OR OPTICAL DISK STORAGE OF DEPARTMENT RECORDS .

Departments may keep and preserve public records through the use of microfilm or optical disk storage providing that the applicable standards established in §§ 16.61(7) and 16.612, Wis. Stats., respective, are met. Departments should consider factors such as retention periods and estimated costs and benefits of converting records between different media when deciding which records to microfilm or store on optical disks. After verification, paper records converted to either microfilm or optical disc storage should be destroyed. The retention periods identified in this ordinance apply to records in any media.



Storage and Maintenance



Storage and Maintenance

Where and how digital files will be stored is an important subject that needs to be discussed at a project's outset. Long term-storage capacity, file security and maintenance, number of copies, back-up procedures, and file and technology migration plans all become more important the longer the files are to be retained. It is essential that you discuss your post-digitization storage and preservation needs with whomever will be responsible for maintaining the digitized records **prior** to beginning any digitization project.

Agencies are responsible for ensuring that records remain "accessible, accurate, authentic, reliable, legible, and readable" per Administrative Rule 12. Addressing these key concepts ensures that digital records will be properly stored and maintained. Specific protective measures may include, but are not limited to:

- Establishment of security protocols, and approved administrators and users.
- Employment of system checks and error-checking utilities.
- Implementation of back-ups and disaster preparedness measures.

Planning for Storage of Digitized Records

While storage of the records comes at the end of a digitization project, this is a critical topic that needs to be established from the beginning to ensure your agency can commit the staff and resources to the long-term preservation of the digitized records. This is especially important for records that will be held permanently in digital format where the paper has been discarded. Your discussion should include:

- **Where records will be stored both during and after the digitization project.** It may make sense to have a limited, temporary storage area for the project while the records are being digitized and QA'd and then transfer to longer-term storage.
- **How long the records need to be kept.** This is important both to plan for storage space as well as to plan for the destruction or transfer of records from your organization. For records that will be stored in a content management system, the system should help you manage the disposition of those records through technological reminders you place on a folder. For records that are stored on a network drive, you will need to establish some other way of tracking the disposition date of the records which may implement some combination of inventories and folder naming conventions to help you remember when the records need to be disposed of.
- **Plans to address management of files over time, including:**
 - File formats become obsolete over time. Today's formats will need to be monitored and migrated as needed
 - Storage systems become obsolete over time and digital materials should be migrated regularly between storage systems.
 - Migrations to new software platforms when current technology is no longer supported.

Storage Considerations

- What is the current storage capacity of your organization?
 - Is there currently enough space for the project?
 - Will there be space for future projects?
- What is the current file management system?
- Are all your files stored in one place or do you have geographically disperse storage locations?
 - Are you able to produce, manage, and store back-up copies of the files or will you need outside help?
 - How often are backups done?
 - Who is in charge of them?
 - How are they documented?
- Do you have a disaster recovery plan?

Discussing these topics and setting consistent expectations between IT, agency management, project staff, and content owners will go a long way toward making your project successful. The budget, staffing and resources of your organization will help you determine how you can best accomplish these goals.

Preservation vs. Backups

Today's IT systems can provide an excellent option for mass digitization projects. They are highly scalable, and can provide quick access to digitized content, however, traditional IT systems and backups are primarily geared toward active content. The transition to the long-term / permanent preservation of digital records requires a higher level of IT management that should be understood by those managing the digital files to help protect your organization in case of natural disasters, cyberattacks, computer hijacking, accidental deletion, or file corruption.

The National Digital Stewardship Alliance has developed a technology-neutral Levels of Preservation framework to provide guidance on preserving digital content at four progressive levels. It ranges from Level 1 which provides the bare minimum of requirements to minimally protect your data to Level 4 which provides guidelines that will provide the highest likelihood of successful long-term preservation. In reviewing this document, you will likely find your organization is at different points in each of the 6 categories, but you can use this framework to identify where you are currently operating and work toward Level 4 to the greatest extent possible. Of particular importance to the IT / Storage aspect are the sections related to "Storage and Geographic Location", "File Fixity and Data Integrity" and "Information Security".

Storage and Geographic Location

In a traditional IT paradigm, backups periodically perform either incremental or full scheduled backups of files. If at some point a file becomes corrupt, that corrupt file will become part of the backup and by the time it is discovered, there may not be an uncorrupted version available. This is particularly risky for files that are being held permanently by an organization and for this reason IT backups do not take the place of keeping multiple copies of digitized content.

The 3-2-1 rule is often cited as best practice for storing digital files. Ideally, your organization should have 3 copies of each master digital item scanned at the resolution described in the "*Digitization Guidelines*". Realistically, your organization needs to evaluate the costs, staffing and technological infrastructure to evaluate what your capabilities are. It is strongly recommended that the 3-2-1 rule is used for permanent digital records to minimize the risk of losing them over time.

- Copy of a Master Image
 - An exact duplicate of the file at the image's creation.
 - Can be kept in "dark storage" or otherwise not accessed unless there is an issue with the Master Image.
 - A copy of a master image should be migrated and refreshed the same as the Master Image.
- Backup of a Master Image (IT generated)
 - Does not take the place of records management; records should not be retrieved from back up tapes for use or to fulfil an open records request.
 - Backups periodically overwrite files, if a Master Image becomes corrupt, at some point, the backup will rewrite the "good" master with the corrupt file.

Traditional IT backups are appropriate for derivatives of master files that are created at a lower resolution for access copies or thumbnails.

File Fixity and Data Integrity

Every file is made up of bits and bytes that are arranged in a certain way that produces what you see on your computer screen. One of the greatest threats to digital files is the loss of those bits and bytes over time that lead to the corruption of the files so you can no longer access it. This is very different from traditional paper files. If a page in a paper document is damaged in some way, you can likely still read the other pages....there is some loss, but it is minimal. With a digital document, if you lose enough bits and bytes, the entire document is gone. Again, a high risk when you are holding the only record in digital format. One way to monitor file corruption is through performing integrity checks which monitor files over time. These programs calculate a checksum or digital signature of the original file. If over time, the file was to change in some way (corruption, manual change by a person, etc), the program will notify you that something has changed and you can replace it with one of your copies. If you have a robust IT network, you may already have system tools available to perform integrity checks on a periodic basis. Similarly, if one of your geographically distributed copies are with cloud providers, that may be a service they can provide you. If you need to perform integrity checks on your own, there are several free tools that can be implemented at your organization like AV Preserve's Fixity (<https://www.avpreserve.com/tools/fixity/>).

Types of Storage

Determining the best storage solution for your agency's digital assets involves evaluating likelihood of access, overall cost in maintaining them, and how access will be provided to the digitized records. Every storage type has advantages and disadvantages.

- **Online Storage:** Allows immediate access to records to anyone on your organization's network. Online storage maintains the greatest functionality but is more expensive than other storage options.
- **Near-line Storage:** Uses a system that is not a direct part of your network, but that can be accessed through your network. Files are accessed using an automated process that selects the correct disk/tape from a disk/tape library and makes it accessible.

Near-line storage is less expensive than online storage, but requires extra time to manipulate both the files and media to access the records. Near-line storage is often used for backups as large quantities of data can be managed quickly.

- **Offline Storage:** Files are not accessible through your network. They may be saved on removable media like external hard drives or magnetic tape. Offline storage is a good option for records that do not need to be accessed frequently.
- **Storage with a Third-Party:** You may also consider using a third-party storage that can store, access, and deliver records to you. As part of their offerings, they may also have the infrastructure to perform integrity checks and store multiple copies of your files in geographically diverse locations. The Wisconsin Public Records Board has issued guidance on the [Use of Contractors for Records Management Services](#) and [Guidance on the Use of Contractors For Records Management Services in Cloud Computing Environments](#). The State of Wisconsin Department of Technology (DET) has already vetted cloud service providers and may be a good resource for exploring this option.

A note about removable storage: Removable storage devices include CDs, DVDs, thumb drives, and other types of technology. These devices should NOT be used to store Master Image Files as they have the lowest life expectancy and highest fail rates.

Single external USB storage devices are not ideal being the sole copy of Master File images. Multiple external devices can be used as part of your overall storage plan for smaller institutions in conjunction with other options, but these must be rotated out and replaced at least every 5 years so that cost must be accounted for in long term plans.

Which Option Should I Choose?

Traditional IT procedures tend to backup all items, regardless of content, under a set time schedule. This is done by necessity given the amount digital content they are required to manage. Long-term preservation of digital records may require that different records may be treated differently over time. As stated earlier, it is strongly recommended that the 3-2-1 rule is used for long-term and permanent digital records to minimize the risk of losing them over time. Your organization may also want to implement a more robust plan for records that may not be permanent, but would result in negative public backlash should they be lost. This could be achieved through a combination of copies via on-line, near-line and dark storage with a cloud provider. Records that are digitized to provide access and the paper still remains could have a less robust storage plan since the records could be re-digitized. The storage of the records and any derivatives should be discussed with all relevant parties and documented as part of your digitization plan.

Maintenance

Long-term storage of digital objects demands greater planning and attention than the storage of paper records. Additionally, the expense of storing records electronically exceed the costs associated with storing paper records once the costs of multiple copies and derivatives are calculated.

- All digital media and hardware have a limited life expectancy based on factors such as manufacturing quality, age and condition, handling and maintenance, frequency of access, and storage conditions.
- Hardware and software may be subject to rapid advances in technology or changes in standards.

Due to the life expectancy of both software and hardware, no single digital storage medium or format can be considered "permanent" for the long term storage or preservation of records. The most generous estimate of physical obsolescence is thirty years, while technological obsolescence can be expected within five to ten years. Therefore, assume files will need to be migrated to a new storage medium at regular intervals and periodically to a new format.

Retention

Images must be stored, maintained, and remain accessible for the entire length of the required retention period. When designing your storage and maintenance plan for digitized records, you need to take into account the retention "trigger." Retention triggers can be easy to determine and implement like the end of a calendar year or the close of a fiscal year. Others are more difficult to determine and implement such as the close of a case or issuance of a final report.

Event based retentions like these can pose difficulties for systems monitoring retention and disposition. They add another layer of necessary metadata, and they require someone to designate the event date in the system so that records can be disposed of or transferred according to record schedules.

Disposition

The majority of records held by a state agency will eventually reach a disposition date that involves either destroying the electronic records or transferring them to the State Archives for permanent preservation. Disposition is a vital step in the records lifecycle and cannot be overlooked when planning and implementing a digitization project. Planning for the disposition of non-records that an agency decides to scan is equally important, and perhaps more challenging as this content does not have a schedule-driven disposition date. It is critical that the project plan for these items includes a review date at a minimum to ensure the content is managed periodically reviewed over time and deleted when no longer of use to the agency.

Failure to plan for the disposition of digitized content (both records and non-records) will result in an ever increasing number of items, which will exponentially increase your agency's storage costs over time, make it more difficult to find records, and burden IT staff with the migration of digital content through storage and format migrations over time.

Resources referenced for this document

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